

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

**7**

**DECISION**

**TOPIC**

**Notice of Intended Action--Chapter 40, Speed & Distance Zoning**

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Commission approval is sought to amend Chapter 40, "Speed & Distance Zoning," Iowa Administrative Code. This proposed amendment is being requested by the City of Burlington for the creation of a no-wake zone on the Mississippi River to be located within the City of Burlington. The area being proposed is a historic riverfront and also contains two municipal boat ramps and public dock areas. The City of Burlington is requesting this amendment to help ensure the aesthetics of the historic frontage as well as the safety of the public who use the docks and boat ramp for water recreation purposes.

Kenneth Herring, Administrator  
Conservation and Recreation Division

Attachment: Chapter 40 Notice of Intended Action Rule

January 15, 2008

NATURAL RESOURCE COMMISSION[571]  
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 40 “Boating Speed and Distance Zoning,” Iowa Administrative Code.

This amendment is requested by the City of Burlington in Des Moines County to establish a no-wake zone on the Mississippi River by placement of regulatory buoys in such a way as to define the no-wake area existing between the north city docks/boat ramp and the south docks/boat ramp. The marker buoys will be placed no farther than 300 feet from the shoreline.

Any person may make written comments on this proposed rule amendment on or before March 4, 2008. Such comments and written material should be directed to the Law Enforcement Bureau; Wallace State Office Building; Iowa Department of Natural Resources; 502 East 9<sup>th</sup> Street; Des Moines, Iowa 50319-0034. Persons who wish to convey their comments orally should contact Steve Derrand of the Law Enforcement Bureau at (515)281-4515.

A public hearing will be held on March 5, 2008, at 9 a.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who attend the public hearing and have special needs such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

This amendment is intended to implement section 456A.25 of the Code of Iowa.

The following amendment is proposed.

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Amend 571—Chapter 40 by adopting the following new rule:

**571--40.56(462A) Zoning of Mississippi River, Des Moines County, City of Burlington.**

All vessels shall be operated at a no-wake speed within the area designated by marker buoys or other approved uniform waterway markers beginning north at the at the city boat ramp and public dock and extending downstream to the south city boat ramp and public dock. The zoned area shall extend no farther than 300 feet out from the shore. The City of Burlington shall designate the no-wake zone with buoys approved by the natural resource commission.

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Date

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Richard A. Leopold, Director